



State of Michigan
Probate Court - Montcalm County

Judge Edward L. Skinner
Lisa M. Arnold, Probate Register

PO Box 309 • Stanton, Michigan 48888
Courthouse North of Stanton on Hwy. M-66

October 28, 2005

Mr. Corbin R. Davis, Clerk
Michigan Supreme Court
PO Box 30052
Lansing, Michigan 48909

RE: ADM File No. 2005-02

Proposed Administrative Order regarding Privacy Policy and Access to Court
Records

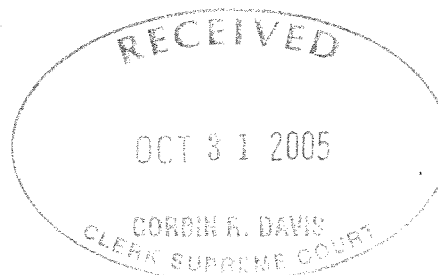
Dear Mr. Davis:

I write to oppose the adoption of the above and suggest that the matter can be handled in a more direct fashion by simply revising the SCAO forms to eliminate inclusion of Social Security Numbers and enacting a Court Rule that provided whenever a Social Security Number was required that part of the file became "confidential".

There is a sound rational to the doctrine that legislation applies "prospectively", I am concerned that the approach in this administrative order will apply to the thousand of files the court now has, on microfilm or otherwise. It is virtually impossible to "redact" social security numbers from these existing files and keep up with the normal pace of business that court staff faces today. I only have two employees they simply can't do it; moreover the cost to the public would be prohibitive.

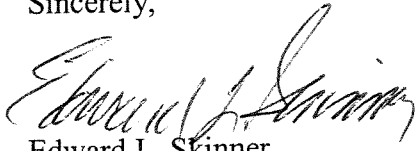
When the proposed order speaks of "establish minimum penalties for court employees..." it ignores that courts have a history of disciplining errant employees and in many instances "union contracts" that set forth rigid approaches to discipline. There is no need for such language in any Administrative Order.

The suggestion that MCR 2.612 (A) (1) is the vehicle for "redaction" of a social security number is one that is flawed; this court rule deals with "clerical mistakes". Strict adherence to the court rule therefore would mean that it could not be used for the purpose intended.



Why not require a register be maintained containing identifying information on persons given access to old files thereby giving investigators a DNA like footprint if this information is wrongfully used and creating an atmosphere through revision of forms and enactment of a new court rule that will prevent the problem prospectively?

Sincerely,



Edward L. Skinner